

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KEITH JACKSON,

Plaintiff,

v.

Case No. 12-CV-0058

**DR. SCOTT HOFTIEZER, BETH DITTMANN,
RN JEN KOEHLER, RN JANE DOE, and SGT. HELLER,**

Defendants.

ORDER

Plaintiff has filed several motions that are now before me for decision.

First, plaintiff filed a motion to compel asking defendants to produce color photographs of two Wisconsin Department of Corrections employees so that plaintiff could determine which one of them is the defendant identified as RN Jane Doe. He asserts that he submitted a written request for these photographs on April 26, 2012, but has received no response. I will deny this motion as moot because plaintiff subsequently identified RN Jane Doe.

Second, plaintiff filed a motion for appointment of counsel. He has presented nothing to alter my earlier conclusion that he is competent to litigate this case himself. See Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007); Santiago v. Walls, 599 F.3d 749, 761-62 (7th Cir. 2010). If anything, plaintiff recent pleadings reveal his great attention to detail and emphasize his competence.

Third, plaintiff filed a motion to amend and add to civil complaint. He seeks to add the name of Kim LeBreck to the complaint or substitute her for the defendant identified as RN Jane Doe. Plaintiff has now positively identified Kim LeBreck as the individual he originally named as RN Jane Doe. There is no need to amend the

complaint to name this party, but I will grant plaintiff's motion and substitute Kim LeBreck for the defendant originally named as RN Jane Doe. Defendants have filed an answer to the amended complaint on behalf of all defendants, including LeBreck. That answer does not contain an affirmative defense regarding service and, as such, I presume defendants' counsel intends to accept service on behalf of LeBreck pursuant to an informal service agreement between the Wisconsin Department of Justice and this court.

Fourth, plaintiff filed a motion to compel defendant LeBreck to respond to discovery requests he has served. This motion will be denied because it does not contain the certifications required by Federal Rule of Civil Procedure 37 and Civil Local Rule 37 (E.D. Wis.) that plaintiff attempted to resolve this dispute with defendants prior to bringing the motion. Moreover, plaintiff should serve a new copy of his discovery requests on LeBreck now that she is officially a defendant in this action.

Therefore

IT IS ORDERED that plaintiff's motion to compel (Docket #27) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel (Docket #31) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that plaintiff's motion to amend/correct complaint (Docket #36) is **GRANTED**.

IT IS FURTHER ORDERED that Kim LeBreck, RN be substituted for the defendant previously identified as Nurse Jane Doe.

IT IS FURTHER ORDERED that Kim LeBreck should be served pursuant to the informal service agreement between the Wisconsin Department of Justice and this court. There is no need for defendants to file another answer unless Kim LeBreck objects to this informal service.

IT IS FURTHER ORDERED that plaintiff's motion to compel (Docket #42) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 15th day of August 2012.

s/ Lynn Adelman

LYNN ADELMAN
District Judge